

## The Atchison Topeka And Santa Fe

Between San Francisco and Chicago  
Via Albuquerque, and Kansas City.

**Snead Comfort and Elegance**  
Pullman and Dining Service Unsurpassed.

Passing through the Grandest Scenery of the West  
F. W. Prince, Agent, 641 Market St. San Francisco Cal

## Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported  
and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

## The Eagle Market

Our Meats are the best, if you are not  
satisfied with the place you are trading  
call on us. Our motto is "The Best."  
A pleased patron means a steady customer

## The Eagle Market

### IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF NEVADA, In and for the County of Ormsby.

Marion W. Bulkley, Plaintiff  
vs.  
Joseph W. Bulkley, Defendant

Action brought in the District Court  
of the First Judicial District of the  
State of Nevada, Ormsby County, and  
the complaint filed in the said county,  
in the office of the Clerk of said District  
Court on the 2d day of December,  
A. D. 1905.

THE STATE OF NEVADA SENDS  
GREETING TO  
JOSEPH W. BULKLEY  
Defendant.

You are hereby required to appear  
in an action brought against you by  
the above named Plaintiff, in the Dis-  
trict Court of the first Judicial Dis-  
trict of the State of Nevada, Ormsby  
County, and answer complaint filed  
therein within ten days (exclusive of  
the day of service) after the service  
on you of this Summons is served in  
said county, or if served out of said  
County, but within the District, twenty  
days, in all other cases forty days,  
or judgment by default will be taken  
against you according to the prayer  
of said complaint.

The said action is brought to obtain  
the judgment and decree of this court  
that the bonds of matrimony here-  
before and now existing and uniting you  
and said plaintiff to be forever annu-  
led and dissolved upon the ground that  
at divers times and places since said  
marriage you have committed adultery  
with one Kate Cottrell, and particu-  
larly that from about the 9th day of June  
1900 to and including the 13th day  
of June, 1900, at the Charing Cross  
Hotel in the city of London, Eng-  
land, you lived and cohabited with  
said Kate Cottrell.

All of which more fully appears  
by complaint as filed herein to which  
you are hereby referred.

And you are hereby notified that if  
you fail to answer the Complaint, the  
said Plaintiff will apply to the Court  
for the relief herein demanded.

GIVEN under my hand and Seal of the  
District Court of the First Judicial  
District of the State of Nevada  
Ormsby County, this 2d day of Decem-  
ber, in the year of our Lord one  
thousand nine hundred and Five.

M. B. VAN ETTEN, Clerk.  
(SEAL).  
Geo. W. Keith,  
Attorney for Plaintiff.

### Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby given that on the  
15th day of Sept., 1905, in accordance  
with Section 23, Chapter XLVI, of the  
Statutes of 1905, one Philip V. Mighels  
and Frank L. Wildes of Carson,  
County of Ormsby and State of Ne-  
vada, made application to the State  
Engineer of Nevada for permission to  
appropriate the public waters of the  
State of Nevada. Such application to  
be made from Ash Canyon creek at  
points in N E 1/4 of S W 1/4 of section  
10 T 15 N R 19 E by means of a dam  
and headgate and five cubic feet per  
second is to be conveyed to points  
in N E 1/4 of S W 1/4 of section 11,  
T 15 N R 19 E, by means of a flume  
and pipe and there used to generate  
electrical power. The construction  
of said works shall begin before June  
1, 1906, and shall be completed on or  
before June 1, 1907. The water shall  
be actually applied to a beneficial use  
on or before June 1, 1908.

Signed:  
HENRY THURTELL,  
State Engineer.

### SCHOOL APPORTIONMENT. STATE OF NEVADA,

Department of Education,  
Office of Superintendent of Public In-  
struction.

Carson City, Nevada, July 11, 1905  
To the School Officers of Nevada:

Following is a statement of the sec-  
ond semi-annual apportionment of  
School Monies for 1905, on the basis  
of \$6.990202 per census child:

Counties	children	Amt.
Churchill	135	\$ 943 68
Douglas	317	2,215 90
Elko	1,120	7,829 02
Esmeralda	217	1,516 87
Eureka	339	2,719 20
Humboldt	741	5,140 40
Lander	318	2,224 30
Lincoln	764	5,300 70
Lyon	489	3,402 70
Nye	365	2,550 80
Ormsby	307	2,147 00
Storey	339	2,369 00
Washoe	2,412	16,860 36
White Pine	525	3,669 84
Total	9,430	\$65,917 61

Joe Platt has received samples of  
tailor made suits which are, with-  
out doubt the finest ever shown in  
this city. A number of suits have  
already been made and they are per-  
fect fits in every case. Get your  
measure taken and do it before the  
best samples are gone. He guarantees  
a fit or no pay.

### IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial  
District Court, Elko County, Ne-  
vada.

The State of Nevada,  
Plaintiff and Respondent,  
against

Paul Lovelace,  
Defendant and Appellant.  
Attorney General James G. Sweeney,  
Attorney for State.  
Wm. Woodburn, Attorney for Appel-  
lant.

Defendant appeals from a judgment  
rendered against him in the District  
Court in and for Elko county for the  
crime of burglary; and he assigns two  
reasons why, as he claims, judgment  
should be reversed.

First, the insufficiency of the in-  
dictment on which the judgment was  
based; and

Second, the absence of corrobora-  
tion of the testimony of an accomplice  
who testified against the defendant.

Under the first head the point made  
is on the proper interpretation of the  
following clause in the indictment:

"The said Paul Lovelace, on the 11th  
day of May, 1904, in the night time of  
said day, or thereabouts, in the County  
of Elko, State of Nevada, without au-  
thority of the law and before the find-  
ing of this indictment, did wilfully,  
unlawfully and burglariously break  
and enter the building of one Alexan-  
der Burrell."

Counsel for defendant in his or  
their brief, if an unsigned paper in the  
usual form of a brief found among the  
papers in the case as they appear filed  
in this court, is by us treated as a  
brief, says:

"Appellant claims that this Indict-  
ment is not good at common law, be-  
cause the words 'or thereabouts', re-  
late to and qualify the words 'night  
time'. This question was not raised  
in the court below, but is here pre-  
sented for the first time.

The question is not whether the in-  
dictment would be good 'at common  
law'. It is whether it is good under  
the statute of Nevada that governs  
the subject. The subject is governed  
by the sections following concerning  
indictments:

Section 4199, Compiled Laws, 1900,  
provides that the indictment shall  
contain "..... a statement of the  
acts constituting the offense, in  
ordinary and concise language, and in  
such manner as to enable a person of  
common understanding to know what  
is intended."

Section 4206, Compiled Laws, 1900,  
has the following: "The words used  
in an indictment shall be construed  
in the usual acceptance in common  
language, except such words and  
phrases as are defined by law, which  
are to be construed according to their  
legal meaning."

Section 4208, Compiled Laws, 1900,  
provides: "..... That the act or omission  
charged as the offense is clearly and  
distinctly set forth in ordinary and  
concise language, without repetition,  
and in such a manner as to enable a  
person of common understanding to  
know what is intended."

Section 4709 is as follows:  
"No indictment shall be deemed  
insufficient, nor shall the trial, judg-  
ment, or the proceeding thereon, be  
affected, by reason of any defect or  
imperfection in matters of form,  
which shall not tend to the prejudice  
of the defendant."

The foregoing enactments show that  
it was the intention of the legislature  
of Nevada that in construing indict-  
ments the courts should not indulge  
in a too-exact and over-nice view of  
language; but that certainty to accom-  
pany intent was all that should be  
required.

True, in the paragraph of the in-  
dictment under discussion, there is  
something of a departure from the  
best models of grammatical, rhetorical  
or linguistic expression. But we think  
the paragraph meets the  
requirement of the statute that "the  
acts constituting the offense should be  
charged in ordinary and concise lan-  
guage, and in such manner as to en-  
able a person of common understand-  
ing to know what is intended." To  
hold the indictment not fatally bad is,  
we think, to keep within the statu-  
tory command, as expressed above  
in section 4206, or at least not to de-  
part too far from such command, to  
wit, to construe "in the usual accep-  
tance in common language."

We think the defect of the indict-  
ment complained of was such as in the  
language of Section 4209 above quoted  
was a "defect or imperfection in  
matters of form, which did not tend  
to the prejudice of the defendant."

The language of the indictment  
could doubtless be made more accu-  
rate; but we think it is not fatally  
defective. In brief of Counsel for  
defendant the following correction is  
offered:

"If the words 'or thereabouts' had  
been inserted after the words 'on the  
11th day of May, 1904', the indict-  
ment could not be the subject of criti-  
cism or assault."

Perhaps the following phraseology  
might be considered an improvement  
on the phraseology of the indictment:  
The said Paul Lovelace did in the  
night time of the 11th day of May,  
1904, or in the night time of some  
day thereabouts the said 11th day  
of May, 1904, enter, etc.

Said Paul Lovelace did, in the night  
time, on or about the 11th day of  
May, 1904, enter, etc., etc., etc.,  
might perhaps be considered a little  
better collocation of words, although  
this is something of a departure from  
the form suggested in the statute  
concerning the form of indictments.

That mere grammatical, punctua-  
tional (if verbal "free coinage" may  
be allowed), rhetorical or linguistic  
error does not always vitiate is fully  
sustained by decisions of courts and  
text writers. The following notably  
excellent authority is cited to sus-  
tain this doctrine:

Cyclopedia of Law and Procedure  
(Cyc.) vol. 6, page 199; and authori-  
ties there mentioned.

While this indictment, in the respects  
mentioned is in truth inartistically  
drawn, yet under the statutes and the  
authorities above stated, we cannot  
say that it is fatally defective. The  
sections of the statute above quoted  
show that the legislative intent was  
that the courts of the State should  
give interpretations liberal to sustain  
rather than rigid to overthrow indict-  
ments when, as in this case substan-  
tial rights of defendants are not there-  
by prejudiced; and as we have from  
the authority mentioned seen that  
even under the common law to over-  
throw this indictment would seem too  
rigid an interpretation.

Under the second head the error  
claimed is stated in the brief of Coun-  
sel for defendant as follows:

"On the trial of appellant the de-  
position of one Ross, taken at the pre-  
liminary examination was read in  
evidence, because he broke jail and  
escaped before the trial and his pres-  
ence could not be procured."

"He testified that he and appellant  
entered the store of Alexander Burrell  
on the day named in the indictment,  
stole a lot of ammunition of the value  
of about \$200, and buried it a short  
distance from the scene of the crime.  
Appellant claims there was no testi-  
mony corroborative of that of Ross,  
and that a conviction could not be  
had."

In this contention Counsel is, we  
think, clearly mistaken. Besides  
minor points of corroboration, not nec-  
essary to be mentioned here, the testi-  
mony of the witness W. J. Davidson  
corroborates the testimony of the ac-  
complice Ross. Davidson testifies that  
the defendant requested him (David-  
son) "to help him rob the store at  
Edgemont", that is the store that was  
robbed. Davidson further testifies  
that the defendant "told him he would  
have got the amalgam if something  
had not happened"—the amalgam was  
the article stolen in the robbery. Davidson  
further testifies that the defen-  
dant was trying to dispose of the  
amalgam, the thing stolen; and asked  
Davidson this question: "What  
am I going to do about that damned  
stuff?"

If this testimony was true, and its  
truth was a question entirely for the  
jury, there was corroboration of the  
testimony of the accomplice Ross.

Defendant fails in sustaining either  
of his two points urged in argument  
for the reversal of the judgment.

The judgment is therefore affirmed.  
Fitzgerald, C. J.

We Concur:  
Talbot, J.  
Norriss, J.

Filed January 4, 1906.

### TOURIST EXCURSION PARTIES TO THE EAST.

Over the Scenic Line of the World.

If you are going east and want to  
save money, yet travel with pleasure  
and comfort, it will pay you to in-  
vest our personally conducted tourist  
excursions. The parties are in charge  
of a Manager who accompanies the  
cars through St. Louis, Chicago  
and the Atlantic Coast and gives his  
personal attention to the welfare of  
each passenger in his charge. The  
schedules are arranged so you pass  
through the world-famed scenery on  
the Denver and Rio Grande Railroad  
by daylight. Open-top Observation  
cars (something entirely new) are  
free to all passengers. Let us know  
where you are going and we will  
be glad to give you full information  
about your trip, the lowest rates of  
fare and send you free of charge some  
handsome illustrated books of travel.

W. J. SHOTWELL,  
General Agent.

625 Market Street, San Francisco, Cal.

### Cattle and Horses.

The City Marshal gives warning  
that all loose stock found on the  
streets from this time on will be em-  
pounded. A strict attention to this  
parties owning stock will take warn-  
ing city ordinance will be enforced and  
ing. Empounding fines will be impos-  
ed in every case.

Wm. Kinney,  
Marshal.

LADIES: I make from \$18 to \$30  
per week and want all to have the  
same opportunity. The work is very  
pleasant and will pay you very hand-  
somerly for even your spare time. I  
speak from experience as I have fre-  
quently made \$5.00 in a single day.  
This is no deception. I want no  
money and will gladly send full par-  
ticulars to all. Address,

MRS. W. W. MITCHELL,  
Box 10, Portland Maine.

### Notice to Hunters.

Notice is hereby given that any  
person found hunting without a permit  
on the premises owned by Theodore  
Winters, will be prosecuted. A limited  
number of permits will be sold  
at \$5 for the season or 50 cents for  
one day.

A. C. WINTERS.

Take a look at the new ties that

are being shown at Platt's.

Wiard is closing out his \$20.00  
stock at a sacrifice. This is an op-  
portunity for Christmas shoppers.

### Liberal Offer.

I beg to advise my patrons that the  
price of disc records (either Victor  
or Columbia), to take effect imme-  
diately, will be as follows until fur-  
ther notice:

Ten inch disks formerly 70 cents  
will be sold for 60 cents.

Seven inch records formerly 50c,  
now 35c. Take advantage of this of-  
fer.

C. W. FRIEND.

### ORDINANCE NO. 112.

On Ordinance for the Licensing of  
Games and Gambling Devices in  
Carson City.

The Board of Trustees of Carson  
City do ordain:

Section 1. Each and every person,  
firm, company, corporation, or asso-  
ciation within the limits of Carson  
City, who shall carry on as agent,  
manager, owner or proprietor, any  
game of faro, roulette, rondo, keno,  
or any other game not prohibited by  
the statutes of the State of Nevada,  
or who shall carry on or operate any  
nickel-in-the-slot-machine, or who  
shall carry on or conduct any bank-  
ing game played with cards, dice or  
other device, whether the same be  
played with money, checks, credit or  
any other valuable thing or repre-  
sentative of value, shall pay for and  
obtain a city license to carry on such  
game, and shall pay for each license  
twenty-five dollars (\$25.00) per month  
provided, that when more than one  
of said games are carried on in the  
same room or apartment, whether  
by the same or different owners, each  
game so carried on shall be separate-  
ly licensed; and provided further,  
that the license imposed by this Or-  
dinance is for the revenue only, and  
not for the purpose of prohibition,  
suppression or regulation.

Section 2. The provisions of this  
Ordinance shall apply to all time  
on and after October 1, 1905.

Section 3. Ordinance Number 53  
and all other ordinances or parts of  
Ordinances in so far as they conflict  
with the provisions of this Ordi-  
nance are hereby repealed.

President of the Board of City Trus-  
tees of Carson City, Nevada.

Attest:  
H. B. Van Etten, Clerk.

### OFFICIAL COUNT OF STATE FUNDS.

County of Ormsby, s. s.

James G. Sweeney being duly sworn  
say they are members of the  
Board of Examiners of the State of  
Nev. that on the 29th day of Nov '05  
they, (after having ascertained from  
the books of the State Controller the  
amount of money that should be in  
the Treasury) made an official exami-  
nation and count of the money and  
vouchers for money in the State Treas-  
ury of Nevada and found the same  
correct as follows:

Coin	\$151,107 29
Paid coin vouchers not re- turned to Controller	16,835 71
Total	167,945 00
State School Fund Securities.	
Irredeemable Nevada State	
School bond	350,000 00
Mass. State 3 per cent	
bonds	537,000 00
Nevada State Bonds	253,700 00
Mass. State 3 1/2 per cent	
bonds	312,000 00
United States Bonds	215,000 00
Total	\$1,866,643 00

W. G. Douglass  
James G. Sweeney

Subscribed and sworn before me this  
29th day of November, A. D. 1905.

J. Doane,  
Notary Public, Ormsby County, Nev.

### ANNUAL STATEMENT

Of The State Life Insurance Company

Indianapolis, Ind.

Capital (paid up) non-

Assets (admitted) 3,160,083 81

Liabilities, exclusive of cap-  
ital and net surplus 2,615,497 63

Income

Premiums 2,046,907 77

Other sources 197,125 01

Total income, 1904 2,244,032 78

Expenditures

Losses 300,902 69

Dividends 65,240 11

Other expenditures 1,050,102 76

Total expenditures, 1904 1,416,245 56

Business, 1904

Risks written 23,276,143 00

Premiums thereon 805,648 06

Losses incurred 316,885 80

Nevada Business.

Risks written 10,000 00

Premiums received 2,852 43

Losses paid 5,000 00

W. S. Wynn Secretary.

New lines of footwear are arriv-  
ing daily at Ed. Burlington's Shoe Stor-  
e. He has been considering dampers  
by delay in freight but he is arriv-  
ing daily. You will find the large-  
est and best lines of shoes car-  
ried in his store and prices are al-  
ways the lowest. You can save  
money by purchasing footwear at  
his store.

### Quarterly Report.

OFFICE COUNTY AUDITOR

Ormsby County, Nevada.

To the Honorable, the Board of Com-  
missioners, Gentlemen:

In compliance with the law, I  
herewith submit my quarterly re-  
port showing receipts and disburse-  
ments of Ormsby County, during  
the quarter ending Dec. 30, 1905.

### Receipts.

Balance in County Treasury at end of last quarter	\$49023 36 1/2
County licenses	701 05
Gaming licenses	1057 50
Liquor licenses	310 20
Fee of Co. officers	531 40
Rent of county bldg.	250 00
Poll taxes	620 40
1st. installment taxes	13924 21 1/2
Special school tax	1710 90 1/2
Slot machine license	282 00
Cigarette license	42 30
Semi-Annual State Treas	531 78
Delinquent taxes	23 80 1/2
Sale of horse	19 00
Sale of pump	13 00
Keep of W. Bowen	45 00
Total	61,077 36 1/2

### Disbursements.

State fund	6532 82 1/2
General fund	2732 32
Salary fund	2390 00
Agl. Assn. Bond Fund, Series A, \$100.00	250 00
Agl. Assn. Bond Fund, Series B, \$100.00	400 00
Co. School Fund, Dist. 1	388 95
Co. School fund, Dist. 2	151 20
Co. School fund Dist. 3	130 70
Co. School Fund Dist. 4	24 00
State School fund, Dist. 1	1,205 00
State school fund, Dist. 2	160 00
State School fund, dist. 3	120 00
State School fund, Dist. 4	165 00
Special building	5850 00
School library, No. 2	86 00
Total	21,968 59 1/2

### Re-valuation.

Cash in Treasury October 1905

Receipts from Oct. 1st to Dec

30, 1905 21954 00 1/